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OFFICE OF PETITIONS

In re Application of :
Hshieh et al. : DECISION GRANTING PETITION
Application No. 10/010,484 :
Filed: November 20, 2001 :
Attorney Docket No. GS 150 :

This is a decision on the petition under 37 CFR 1.183 to accord the above-identified application a filing date of November 20, 2001, instead of the present filing date of December 10, 2001. The petition will also be treated as a petition filed under 37 CFR 1.181.

The petition under 37 CFR 1.181 is **granted**.

The petition under 37 CFR 1.183 is **dismissed as moot**.

Petitioners attempted to deposit the application in "Express Mail" service with the United States Postal Service (USPS) on November 20, 2001. Unfortunately, on November 16, 2001, the USPS issued a memorandum temporarily and immediately suspending Express Mail Service to Washington, DC zip codes 202xx through 205xx. The United States Patent and Trademark Office (Office) designated this interruption in USPS Express Mail Service as a postal service interruption within the meaning of 35 U.S.C. 21(a) and 37 CFR 1.6(e).

The Office published a notice in the Official Gazette on October 9, 2001, that provides guidance under these circumstances, when deposit in Express Mail is refused due to the suspension. See United States Postal Service Interruption and Emergency, 1251 Off. Gaz. Pat. Office 55 (Oct. 9, 2001).

Petitioners have supplied a statement from Mary Scariati declaring that she attempted to deposit the application with the USPS at Westfield, New Jersey via Express Mail Service on November 20, 2001. The USPS refused to accept the package. Ms. Scariati further declares that per the USPTO guidelines posted on the Office website, she redeposited the application papers with the USPS on November 20, 2001, as first class mail, in an envelope addressed to: Assistant Commissioner for Patents, BOX FILING DATE, Washington, DC 20231.

The requirements of the notice set forth in the Official Gazette on October 9, 2001, have been met. Accordingly, the application will be accorded a filing date of November 20, 2001.

The application file is being forwarded to the Office of Initial Patent Examination to accord the application a filing date of November 20, 2001, and for mailing a corrected filing receipt.

Any inquiries related to this decision should be directed to Petitions Attorney Christina Tartera Donnell at (703) 306-5589.

Christina Tartera Donnell

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